

## Article - Environment

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§7-256.1.

(a) An authorized official or employee of the Department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter any factory, warehouse, vehicle, building, establishment, or other premises to conduct any inspection required or authorized by law to determine compliance with the provisions of this subtitle relating to controlled hazardous substances.

(b) (1) The application shall be in writing and signed and sworn to by the applicant and shall particularly describe the place, structure, premises, vehicle, or records to be inspected and the nature, scope, and purpose of the inspection to be performed by the applicant.

(2) Before the filing of a search warrant application with a court, it shall be approved by the Attorney General of Maryland as to its legality in both form and substance under the standards and criteria of this section; and a statement to this effect shall be included as part of the application.

(c) A judge of a court referred to in subsection (a) of this section may issue the warrant on finding that:

(1) The applicant has sought access to the property for the purpose of making an inspection; and

(i) After requesting, at a reasonable time, the owner, tenant, or other individual in charge of the property to allow access, has been denied access to the property; or

(ii) After making a reasonable effort, has been unable to locate any of these individuals;

(2) The requirements of subsection (b) of this section are met;

(3) The official or employee of the Department is authorized or required by law to make an inspection of the property for which the warrant is sought; and

(4) Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation of any

provision of this subtitle or any rule or regulation adopted under this subtitle or by showing:

(i) That a reasonable administrative inspection program exists regarding controlled hazardous substances; and

(ii) That the proposed inspection comes within that program.

(d) An administrative search warrant issued under this section shall specify the place, structure, premises, vehicle, or records to be inspected. The inspection conducted may not exceed the limits specified in the warrant.

(e) An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the Department to enter the specified property to perform the inspection, sampling, and other functions authorized by law to determine compliance with the provisions of this subtitle relating to controlled hazardous substances.

(f) An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:

(1) The time specified in the warrant, not to exceed 30 days; or

(2) If no time period is specified in the warrant, 15 days from the date of its issuance.

(g) Any information obtained pursuant to an administrative search warrant shall be considered as confidential and may not be disclosed except to the extent utilized in an administrative or judicial proceeding.

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